

From: Stan Diamond
To: Microsoft ATR
Date: 11/21/01 9:40am
Subject: Microsoft's proposed settlement

Dear Sir,

I am writing to express my dismay at the proposed settlement of the Microsoft antitrust case. I think that many of us believe that Microsoft basically got off virtually free in the federal case, but my comments here are more directed to Microsoft's proposed support the schools tactic to mollify the remaining states.

While on the surface, it appears that Microsoft is being magnanimous in offering \$500 million in cash and an equal amount in software to be distributed over five years to more than 12,000 public schools nationwide, it would seem to this reader that the nature of the settlement only solidifies Microsoft's antitrust stance. If this were in fact a truly strings-free offer of support to the schools I would applaud it vigorously. However, in order to be such an offer, it should contain nothing at all proprietary to Microsoft. This includes the software component, the training component, and most of all the fact that two out of the five members of the new foundation's board would be Microsoft employees. All of these components of the settlement would appear to solidify Microsoft's dominant and dictatorial position in the world computer business. The proposed settlement should be completely vendor neutral - both by providing the schools with the freedom to secure software, hardware and training from any vendor they so choose and by preventing Microsoft from having any presence or influence on the board of the proposed foundation which will have the responsibility of approving or denying school applications for aid.

I would further be cautious about allowing Microsoft to reap double tax benefits - first by taking a charge against earnings in the amount of the settlement and secondly by further deducting the amount of the settlement as a contribution to a charitable and/or educational foundation.

I would hope that the proposed settlement in its present form is not accepted by the states and countries still considering a real solution to the antitrust case that appears to be being swept under the rug by the Justice Department.

Sincerely,

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